

### **REMARKS/ARGUMENTS**

Applicant responds herein to the Office Action dated January 8, 2007.

Applicant's attorneys appreciate the Examiner's continued thorough search and examination of the present patent application and the indication that claims 10, 12-17, 19, 21, 23, 25 and 26 are allowed.

Claims 1-23 and 25-35 are pending in this application. Claims 5, 8, 18, 20, 22 and 33-35 have been withdrawn from consideration. Claims 1-4, 6, 7, 9, 11 and 27-32 have been rejected.

Claims 1-4, 6, 7, 9, 11, 27-29, 30, 31 and 32 stand rejected under 35 U.S.C. §102(b) as being anticipated by Canadian Patent Application No. 2,375,246 to Giampavolo et al. ("R1").

Reconsideration and withdrawal of this rejection is respectfully requested.

Independent claims 1 and 7 are directed to a guard for protecting sides of a pallet. The guard includes a plurality of modular guard sections, with "each modular guard section having a substantially wedge or triangular shape in cross section to increase the stability of the guard section" as recited in claims 1 and 7.

Independent claims 27 and 31 are directed to a guard for protecting a face side or multiple face sides of a pallet. The guard includes at least one guard section, with "each guard section having a substantially wedge or triangular shape in cross section to increase the stability of the guard section".

R1 teaches guard sections 38 that have the same width dimensions on each side of the wall 42. Such guard sections 38 do not possess the increased stability provided by the wedge or triangular shape. Therefore, R1 does not teach, disclose, or suggest guard sections that have "a substantially wedge or triangular shape in cross section" as recited in independent claims 1, 7, 27, and 31.

Thus, Applicants' independent claims 1, 7, 27, and 31 are patentably distinct from R1. Claims 2-4, 6, 9, 11, 28-30, and 32 depend directly or indirectly from above discussed independent claims and are, therefore, patentable for the same reasons, as well as because of the combination of features in those claims with the features set forth in the respective independent claims.

In view of the above, it is submitted that all claims in this application are now in condition for allowance, prompt notification of which is requested.

THIS CORRESPONDENCE IS BEING  
SUBMITTED ELECTRONICALLY THROUGH  
THE PATENT AND TRADEMARK OFFICE EFS  
FILING SYSTEM ON February 1, 2007.

Respectfully submitted,



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